U.S. Department of Homeland Security
20 Mass, Rm. A3042, 425 I Street, N.W.
Washington, DC 20529

U.S. Citizenship and Immigration Services

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[redacted]

FILE: [redacted] Office: CALIFORNIA SERVICE CENTER Date: AUG 25 2004

IN RE: Applicant: [redacted]

APPLICATION: Application for Status as a Temporary Resident pursuant to Section 245A of the Immigration and Nationality Act, as amended, 8 U.S.C. § 1255a

ON BEHALF OF APPLICANT: Self-represented

INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. If your appeal was sustained, or if your case was remanded for further action, you will be contacted. If your appeal was dismissed, you no longer have a case pending before this office, and you are not entitled to file a motion to reopen or reconsider your case.

Robert P. Wiemann, Director
Administrative Appeals Office

identifying data deleted to prevent clearly unwarranted invasion of personal privacy

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DISCUSSION: The application for temporary resident status was denied by the Director, Western Regional Processing Facility, and is now before the Administrative Appeals Office on appeal. The appeal will be rejected.

Form G-28, Notice of Entry of Appearance as Attorney or Representative, has been submitted. However, the individual is neither an attorney nor an accredited representative of an organization recognized by the Board of Immigration Appeals. *See* 8 C.F.R. § 292.1(a)(1) and (4). Therefore, this decision will be sent to the applicant only.

The director denied the application because the applicant failed to provide a medical report and sufficient evidence of residence.

An adverse decision on an application for temporary resident status may be appealed to the Administrative Appeals Office. Any appeal with the required fee shall be filed with the Service Center within thirty (30) days after service of the notice of denial. An appeal received after the thirty day period has tolled will not be accepted. *See* 8 C.F.R. § 245a.2(p).

The director issued the Notice of Denial on February 16, 1990. The postal receipt bears the applicant's printed name in the signature block, and demonstrates that the notice was received on February 23, 1990. Even if the applicant did not sign the receipt himself, it is apparent that he became aware of the denial, as he underwent the medical examination on May 10, 1990 in an effort to overcome one ground of denial. Furthermore, the organization assisting the applicant received the denial notice as well, and responded on March 26, 1990. However, the appeal was not received until *November 26, 2003*. Therefore, the appeal was untimely filed, and must be rejected.

ORDER: The appeal is rejected.